

U.S. Embassy Manila Fraud Prevention Unit (FPU)



DOL Foreign Labor Compliance Conference
March 20, 2013

Manila FPU

- H-2B overview
- The Consular/FPU Role
- Workers' rights

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Section 426 of the Consolidated Appropriations Act, 2005 (P. L. 108-447) authorizes one-third of fees collected for H-1B and L applications to be available to the Department of State for fraud prevention and detection activities (\$500 per petition). Later expanded to include H-2Bs.

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What is an H2B?

- Temporary or seasonal
- Unskilled
- Petition: individual or group

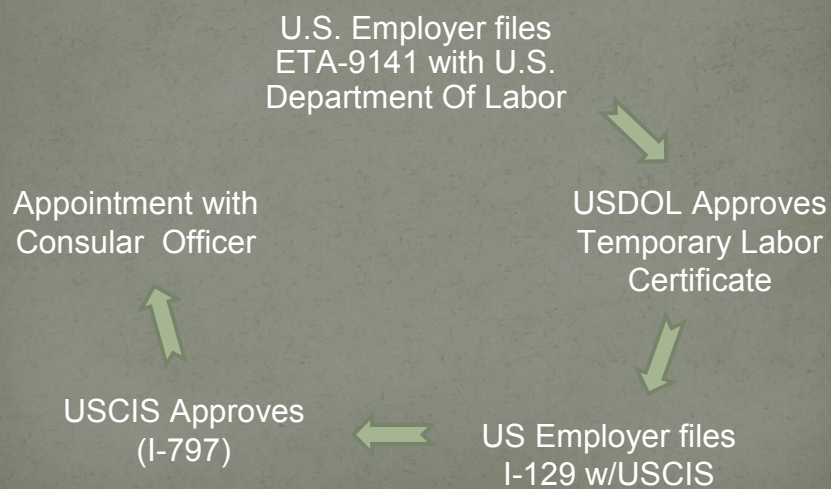
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Parties Involved

- U.S. Employer
- U.S. or Guam Department of Labor 
- U.S. Citizenship & Immigration Services (USCIS) 
- U. S. Embassy 
- Philippines Overseas Employment Administration (POEA) 

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H-2B Process



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Role of the Consular Section

Consular Office receives approved I-129 from USCIS

- USCIS approval does not guarantee a visa issuance

Applicants bring I-797 and supporting documents to interview

- I-129
- Temporary Labor Certificate
- Job Contract
- Evidence of previous work experience
- Old Passports
- Proof of extension for returning H-2B workers

Consular Officers consider these factors:

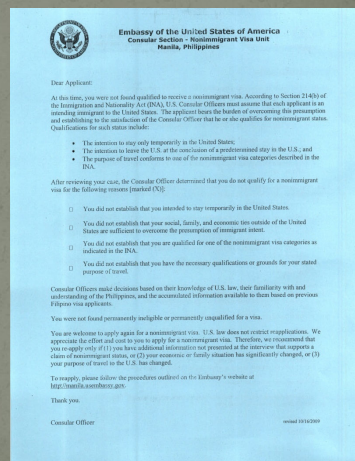
- Previous work experience
- Proper visa use
- Ties to the Philippines
- Financial debt burden

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214b Denial

No further action is going to be taken with this application and a visa will not be issued



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Further action is going to be taken with this application and a visa may eventually be issued

[illegible]

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- Recruiting Agency Issues
 - Are illegal fees being charged?
 - A petitioner, agent, facilitator, recruiter, or similar employment service is prohibited from collecting a job placement fee or other compensation (either direct or indirect) at any time from an alien H-2B worker as a condition of employment.
 - Has the recruiter followed the regulations in recruiting the applicant?
 - Are recruiters supplying fraudulent documentation or encouraging the applicant to lie?

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- Applicant Issues
 - Is the applicant qualified for the job and visa class?
 - Are the applicant's qualifications bona fide?
 - Does the applicant intend to work for the petitioner in the petitioned occupation?
 - FPU outreach: *Walang Sikreto* campaign

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How we can all work as partners

- Fraud is a huge challenge
- Remedy:
 - Actively participate in employee selection
 - Independent vetting
- Recommendations:
 - Randomly verify a sampling of applicants
 - Insist on high standard from recruiters/manning agencies
 - Authentic documentation
 - Help protect the rights of employees

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William Wilberforce Act

- Signed into law on Dec. 23, 2008 by President Bush
- Proposed \$7.5 million for victim assistance, and increased focus on combating trafficking in children



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William Wilberforce Act

- Explains workplace rights in the U.S. regardless of nationality or visa status. Targets: A-3, G-5, NATO-7, H, J, B-1 Domestic
- Explains and defines common Human Trafficking actions
- Lists Toll-Free phone numbers that victims can call for help

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